

MINUTES OF THE MINUTES OF DECEMBER 1, 1999

TIME: 10:25 A.M. – 12:30 P.M.
DATE: Wednesday, December 1, 1999
PLACE: Canal Commission Office
Stockton, New Jersey



DELAWARE AND RARITAN
CANAL COMMISSION

ATTENDING:

COMMISSIONERS: Messrs. Herzog, Marshall, Pauley, Torpey;
Ms. Goodspeed, Ms. Armstrong and Mrs. Nash
STAFF: Mr. Amon and Ms. Holms
Mr. Lewin Weyl, Deputy Attorney General
GUESTS: William F. Masters, Jr., Sprint Planning Consultant
Damon Aherne, GAEL
Gregory T. Czura
Bridget Lombardozi, Precision Reporting
Karman Sunidja, Sprint RF
Clement Poole, Spring RF
Robert Miller, Hopewell Township Zoning Officer
John Wolstenholme, Betzwood Assoc.
Daniel Schulman, Union Fire Co. of Titusville
Mike Chipowsky, Hopewell Township Police

Mr. Torpey opened the meeting and announced that this was a meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

SPRINT COMMUNICATIONS TOWER – UNION FIREHOUSE IN TITUSVILLE

Mr. Czura began the presentation by reviewing what was presented at the last Commission meeting held on November 17. He said that the applicant, Sprint, was requesting a waiver from the Commission's Regulations for Visual and Natural Quality Impact, with specific regard to height limitations. The applicant is proposing to install a communications tower at the Union Fire House in Titusville on Route 29, in the Commission's "A" Zone. The applicant proposes to replace an existing tower with a new one that would be ten feet taller.



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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Christine Todd Whitman, Governor Robert C. Shinn, Jr. Commissioner

Mr. Aherne explained why this location was the best in terms of minimizing visual impact in the region. He said that improving an existing tower was preferable to building a new tower. He said that he investigated possible sites in Pennsylvania but determined that the corridor would not be as effectively covered as the site in Titusville.

A discussion ensued about the fire house addition that was approved by the Commission several years ago, and whether the present tower was part of that approval.

Mr. Aherne commented on the Strawberry Hill site (on Baldpate Mountain), that was suggested as a possible alternative at November's meeting. He said that most of it was or would be in public ownership, making it difficult for commercial use. He said that land that was owned by Trap Rock would not be suitable for a tower installation. He said that the tower required power and telephone, which was not available on the mountain. He also said that the visual impact of a tower on top of the mountain would be greater than that of a tower in the river valley.

Mr. Czura said that this application very aptly fulfilled a compelling public need, because the installation of the new tower would enable "enhanced 911," that is, the ability to determine the location of someone calling 911 from a cellular phone. He said that the structure is designed to be able to hold five communication carriers, which would discourage the proliferation of more towers.

Ms. Armstrong asked about the limits of "compelling public need" should more than one carrier request waivers in the future. Mr. Weyl said he didn't have an answer to that question, and said that although a regulatory agency could not deny an application with compelling public need, it could deny a proposed location should there be a viable alternative location.

Messrs. Poole and Masters reiterated Mr. Aherne's contention that the firehouse site was the best location in terms of visual impact, for the reasons Mr. Aherne had stated.

Mrs. Nash asked whether 911 services are adequately covered in the Canal Park in this location; Mr. Shulman said that they were not.

Mr. Amon said that the applicant has agreed to build a structure that will be suitable for four additional carriers in the future, in addition to serving the fire and police departments. The applicant has also agreed to construct either a monopole or lattice tower.

Mr. Herzog made the following motion:

The request for waiver based upon compelling public need shall be approved conditioned upon the following:

1. Specific details of the design of the tower are to be resolved by the applicant and the Canal Commission's Executive Director. Such details include whether the support

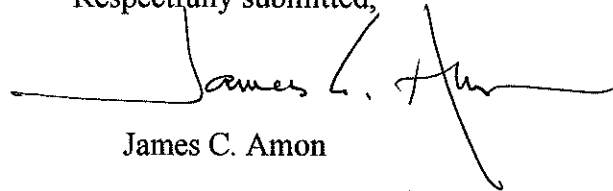
structure shall be a monopole or a lattice tower, the location of cables on the support structure, the possible use of the support structure for communication devices to be used by Canal Park Rangers and maintenance staff, and details relating to the possibility of the support structure to hold antennas from other telecommunication companies.

2. The applicant shall, at his own expense and in a timely manner, demolish the support structure upon its abandonment of use.
3. The applicant shall demolish the existing tower on the site within six weeks of the completion of the construction of the proposed tower.
4. The applicant shall notify the Canal Commission's Executive Director when new antennas or other communication devices are being added to the tower.

Mr. Pauley seconded the motion. Ms. Goodspeed and Mr. Marshall said they were reluctant to vote in favor of this motion because they felt that the new tower would have a detrimental effect toward the historic character of the community. Messrs. Herzog, Marshall, Pauley, Torpey, Ms. Goodspeed and Ms. Armstrong voted in favor of the motion; Mrs. Nash abstained. The motion carried.

The meeting adjourned at 12:30 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon", is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish on the right side.

James C. Amon